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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Axel Hebenstreit

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EXAMINER

WAITS, ALAN B

ART UNIT

PAPER NUMBER

3656

MAIL DATE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/539,594	Applicant(s) HEBENSTREIT ET AL.	
	Examiner ALAN B. WAITS	Art Unit 3656	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 January 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11, 13-19 and 21-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 13-19 and 21-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 19 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. This claim repeats the last line of claim 11.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 17, 19 and 24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 17 recites the limitations "a face" and "a clamping jaw". It is unclear if these are the same elements as previously recited in claim 11 or new elements separate from those cited in the previous claim.

Claim 19 recites the limitation "a face". It is unclear if this is the same element as previously recited in claim 11 or a new element separate from that cited in the previous claim.

Claim 24 recites the limitation "a clamping jaw". It is unclear if this is the same element as previously recited in claim 11 or a new element separate from that cited in the previous claim.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 11, 13-19 and 21-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Hirschfeld et al USP 6892602.

Re clm 11:

- A steering spindle (3, fig 1) which is mounted in a casing tube (2, fig1) so as to be rotationally movable
- A switch module (10, fig 1) which is held immovably with respect to the rotational movement of the steering spindle and is fixed radially and axially on the casing tube
- The switch module is supported on a bearing (9, fig 1) arranged on the steering spindle
- The switch module comprises a centering device (fig 3) [which, under a force which is oriented coaxially with respect to the longitudinal axis of the steering spindle, fixes the switch module on the casing tube and clamps it radially.
- The centering device comprises a stator (11, fig 1) and clamping jaws (13, fig 1)

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- An elevation protrudes from a face (inside face of 13, fig 3) of a clamping jaw which faces the casing tube (the inside face of 13 faces casing tube, fig 3)

Re clm 13:

- The stator is connected to the bearing (fig 1)

Re clm 14 & 15:

- The stator is connected to each clamping jaw via a spring element (19, fig 1)

Re clm 16:

- Each clamping jaw is in contact with the casing tube by way of a support (20, fig 1)

Re clm 17:

- A face (15, fig 1) of the clamping jaw which faces the stator extends obliquely with regard to the longitudinal axis of the steering spindle

Re clm 18:

- The inner face (inside of 11, fig 1) of the stator extends parallel to the oblique face of the clamping jaw

Re clm 19:

- An elevation protrudes from a face (inside face of 13, fig 3) of a clamping jaw which faces the casing tube (the inside face of 13 faces casing tube, fig 3)

Re clm 21:

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- The axial force can be applied by means of a steering wheel bolt (4, fig 1)

Re clm 22:

- A steering spindle (3, fig 1) which is mounted in a casing tube (2, fig1) so as to be rotationally movable
- A switch module (10, fig 1) which is held immovably with respect to the rotational movement of the steering spindle and is fixed radially and axially on the casing tube
- The switch module is supported on a bearing (9, fig 1) arranged on the steering spindle
- The switch module comprises a centering device (fig 3) [which, under a force which is oriented coaxially with respect to the longitudinal axis of the steering spindle, fixes the switch module on the casing tube and clamps it radially.
- The centering device comprises a stator (11, fig 1) and clamping jaws (13, fig 1)
- A leaf spring (15, fig 1) which engages in a cut-out (section of 2 where the diameter decreases and the inside is hollow, fig 1) of the casing tube is provided on the stator (11, fig 1)

Re clm 23:

- Each clamping jaw is in contact with the casing tube by way of a support (20, fig 1)

Re clm 24:

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- A face (15, fig 1) of the clamping jaw which faces the stator extends obliquely with regard to the longitudinal axis of the steering spindle

Re clm 25:

- The inner face (inside of 11, fig 1) of the stator extends parallel to the oblique face of the clamping jaw

Re clm 26:

- An elevation protrudes from a face (inside face of 13, fig 3) of a clamping jaw which faces the casing tube (the inside face of 13 faces casing tube, fig 3)

Re clm 27:

- The axial force can be applied by means of a steering wheel bolt (4, fig 1)

Regarding the functional recitation(s) in the claim(s) above denoted by the “[]” the examiner notes while features of an apparatus may be recited either structurally or functionally, claims directed to >an< apparatus must be distinguished from the prior art in terms of structure rather than function. The reference discloses all the claimed structural limitations and therefore anticipates the claim. See MPEP 2114. Additionally, the apparatus is capable of performing the claimed functions.

Response to Arguments

6. Applicant's arguments filed January 15, 2009 have been fully considered but they are not persuasive.

Applicant argues that Hirschfeld does not teach that an elevation protrudes from a face of a clamping jaw that faces the casing tube. The examiner disagrees. The face from which the elevation protrudes, namely, the inside circumference of 13 does indeed face the casing tube as shown in figure 1.

Applicant further argues that Hirschfeld does not disclose that each clamping jaw is in contact with the casing tube by way of a support. Applicant argues that the clamping part is directly in contact with the casing tube, and the shoulder is directly in contact with the casing tube, but not in contact with the casing tube via the shoulder 20. Since applicant agrees that both portions of 13 and 20 contact the casing tube, and further, since these elements contact each other, they both contact the casing tube by way of the other. Also, since elements 15 of fig 3 which are a portion of the clamping jaws are raised and don't directly contact the casing tube, they do contact the casing tube only through 20 and 13.

Applicant further argues that Hirschfeld does not disclose a cut-out in the casing. The examiner points to the section of decreased diameter of element 2. The left (solid) side of element 2 has a larger diameter than the right (hollow) side. The section of reduced diameter is the cut-out portion of the casing.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALAN B. WAITS whose telephone number is (571)270-3664. The examiner can normally be reached on Monday through Friday 7:30 am to 5 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on 571-272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Alan B Waits/
Examiner, Art Unit 3656

/William C. Joyce/
Primary Examiner, Art Unit 3656

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